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*Attorneys for Defendant Affiliated Adjustment Group Ltd.*

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

In re:

HYACINTH SIMMS,

Plaintiff,

-against-

JPMORGAN CHASE BANK, TOWER GROUP, INC.; MORANT INSURANCE AGENCY INC.; AFFILIATED ADJUSTMENT GROUP LTD; ASSURANT PROPERTY ADVANTAGE AKA ASSURANT SPECIALTY PROPERTY'S LENDING; SOLUTIONS GROUP; C.J. RUBINO & COMPANY, INC.; MSW ADJUSTMENT GROUP, INC.; DG CUSTOM BUILT HOMES & REMODELING,

Defendant.

**Case No. 23-40070**

**CHAPTER 11**

**Adv. Proc. No. 23-01070-NHL**

**NOTICE OF MOTION TO DISMISS  
COMPLAINT PURSUANT TO FED. R.  
BANKPR. P. 7012 and FED. R. CIV. P.  
12(b)(6)**

To:

Karamvir Dahiya, Esq.  
Dahiya Law Offices, LLC  
75 Maiden Lane Suite 606  
New York, NY 10038  
Attorneys for Plaintiff  
Hyacinth Simms

Manuel A. Palaguachi, Esq.  
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Attorneys for Defendant  
MSW Adjustment Group, Inc.

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420 Lexington Avenue Suite 840  
New York, NY 10170  
Attorneys for Defendant  
JPMorgan Chase Bank, N.A.

**PLEASE TAKE NOTICE** that Defendant, Affiliated Adjustment Group Ltd. (“Defendant”), by and through its attorneys, shall move before the Honorable Nancy Hershey Lord, United States Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of New York, at the courthouse thereof, located at 271-C Cadman Plaza East, Suite 1595, Brooklyn, NY 11201-180, on January 9, 2024 at 3:30 pm, via Zoom, for an Order:

1. Dismissing the Complaint filed by Plaintiff, Hyacinth Simms (“Plaintiff”), with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure; and
2. Granting Defendant such other and further relief as is just and proper.

**PLEASE TAKE FURTHER NOTICE** that if you wish to appear, you must register your appearance on eCourt appearances located on the Court’s website at <https://ecf.nyeb.uscourts.gov/cgi-bin/nyebAppearances.pl>. Appearances must be entered no later than 48 hours before the hearing unless otherwise instructed by chambers.

**NOTE:** Parties who are unable to participate by Zoom® may participate by telephone. To participate by telephone, you must contact Chambers at least 24 hours in advance of the hearing and provide the following:

- Name
- Case Number
- Email Address
- Telephone contact number

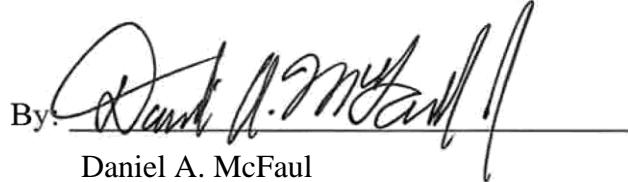
- Your role in the matter scheduled

Parties that wish listen-only access shall indicate such when registering their appearance through the Electronic Appearance Portal located on the Court's website.

**PLEASE TAKE FURTHER NOTICE** that in support of this Motion, Defendant will rely upon the accompanying Memorandum of Law, Affidavit/Declaration of Daniel A. McFaul, Esq., with exhibits and Affidavit of Jarrod Fischer, with exhibit.

**PLEASE TAKE FURTHER NOTICE** that answering affidavits, if any, are required to be served upon the undersigned at least seven (7) days before the return date of this motion.

L'ABBATE, BALKAN, COLAVITA & CONTINI, L.L.P.  
Attorneys for Defendant Affiliated Adjustment Group Ltd.

By:   
Daniel A. McFaul

Dated: November 22, 2023